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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-----------------|--------------------------------------|----------------------|---------------------|-------------------|--|
| 10/612,284 | 07/03/2003 | Robert D. Hutchison | 11-931 | 5800 | |
| 23117 | 7590 10/06/2005 | | EXAM | EXAMINER | |
| | VANDERHYE, PC GLEBE ROAD, 11TH FI | OOR | JUSKA, CH | JUSKA, CHERYL ANN | |
| | N, VA 22203 | · | ART UNIT | PAPER NUMBER | |
| | , | | 1771 | | |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | | Application No. | Applicant(s) | | | | |
|---|---|--|---|--|--|--|--|
| | | 10/612,284 | HUTCHISON, ROBERT D. | | | | |
| | | Examiner | Art Unit | | | | |
| | | Cheryl Juska | 1771 | | | | |
| Period for Reply | JATE of this communication app | ears on the cover sheet wit | h the correspondence address | | | | |
| WHICHEVER IS LON - Extensions of time may be a after SIX (6) MONTHS from - If NO period for reply is spec - Failure to reply within the se | GER, FROM THE MAILING DA vailable under the provisions of 37 CFR 1.13 the mailing date of this communication. cified above, the maximum statutory period w t or extended period for reply will, by statute, ffice later than three months after the mailing | TE OF THIS COMMUNIC 6(a). In no event, however, may a re ill apply and will expire SIX (6) MONT cause the application to become ABA | ply be timely filed "HS from the mailing date of this communication. ANDONED (35 U.S.C. § 133). | | | | |
| Status | | | | | | | |
| 1) Responsive to o | communication(s) filed on | | | | | | |
| , | This action is FINAL . 2b)⊠ This action is non-final. | | | | | | |
| • | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | | |
| ciosed in accord | Jance with the practice under Z | x parte Quayle, 1900 C.D. | 11, 400 O.G. 210. | | | | |
| Disposition of Claims | | | | | | | |
| | I)⊠ Claim(s) <u>1-21</u> is/are pending in the application. | | | | | | |
| · · | 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) 6) Claim(s) <u>1-21</u> is | | | | | | | |
| 7) ☐ Claim(s) | | | | | | | |
| | are subject to restriction and/or | election requirement. | | | | | |
| Application Papers | | | | | | | |
| | n is objected to by the Examine | | | | | | |
| · | filed on <u>03 July 2003</u> is/are: a)[| | ed to by the Examiner. | | | | |
| • | t request that any objection to the | | | | | | |
| Replacement dra | wing sheet(s) including the correct | on is required if the drawing(| s) is objected to. See 37 CFR 1.121(d). | | | | |
| 11)☐ The oath or decl | aration is objected to by the Ex | aminer. Note the attached | Office Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. | § 119 | | | | | | |
| 12)□ Acknowledgmen a)□ All b)□ Sor | nt is made of a claim for foreign | priority under 35 U.S.C. § | 119(a)-(d) or (f). | | | | |
| 1.☐ Certified copies of the priority documents have been received. | | | | | | | |
| | | | | | | | |
| 3.☐ Copies of | f the certified copies of the prior | ity documents have been | received in this National Stage | | | | |
| • • | on from the International Bureau | • | | | | | |
| * See the attached | detailed Office action for a list | of the certified copies not r | eceived. | | | | |
| | | | | | | | |
| | | | | | | | |
| Attachment(s) 1) Notice of References Cite | od (PTO 902) | ع المعمدا الم | ummary (PTO-413) | | | | |
| 2) Notice of Draftsperson's F | Patent Drawing Review (PTO-948) | Paper No(s |)/Mail Date | | | | |
| 3) Information Disclosure St Paper No(s)/Mail Date <u>11.</u> | atement(s) (PTO-1449 or PTO/SB/08) /03. | 5) Notice of In | formal Patent Application (PTO-152) | | | | |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 6-12, and 15 are rejected under 35 USC 102(b) as being anticipated by 101 Weaves in 101 Fabrics, pages 5, 22, and 46.

101 Weaves shows fabric samples comprising at least two different colored yarns, one being lighter in color than the other. The darker yarns are predominant and said different colored yarns are spaced apart in selected areas. Said yarns comprise synthetic fibers or cotton fibers. It is noted that applicant defines "soiling-hiding" and "soiling-prone" as descriptions relative to one another. Since the darker yarns will inherently show (i.e., visually distinguishable) soil less than the lighter colored yarns, claims 1, 6-12, and 15 are clearly anticipated.

3. Claims 1, 6-13, 15, 19, and 20 are rejected under 35 USC 102(b) as being anticipated by US 4,877,669 issued to Endrenyi, Jr. et al.

Endrenyi discloses carpet comprising at least two different colored yarns, one being lighter in color than the other (Figure 6). The darker yarns are predominant and said different colored yarns are spaced apart in selected areas (e.g., the lighter colored yarns are separated from each other by darker colored yarns). Said yarns comprise synthetic fibers, such as nylon and

Art Unit: 1771

polyester (col. 2, lines 59-61). It is noted that applicant defines "soiling-hiding" and "soiling-prone" as descriptions relative to one another. Since the darker yarns will inherently show (i.e., visually distinguishable) soil less than the lighter colored yarns, claims 1, 6-13, 15, 19, and 20 are clearly anticipated.

4. Claims 1-6 and 9-13 are rejected under 35 USC 102(b) as being anticipated by KR 9206129 B issued to Hong et al.

Hong discloses an artificial fur comprising long and short pile, wherein the long pile is made from hollow yarns and the short pile is made from trilobal yarns (abstract). The yarns may be polyester, nylon, or acrylic (abstract). The yarns are tufted into a pile fabric (abstract). While Hong fails to explicitly teach the hollow yarns are soil-hiding yarns and the trilobal yarns are soil-prone yarns, it is asserted that the structure of said yarns makes them inherently soil-hiding and soil-prone with respect to each other. Additionally, said yarns will inherently be visually distinguishable when the pile fabric is soiled due to the difference in yarn shape. Furthermore, it is asserted applicant's recitation to a carpet is met by the structure of the pile fabric of Hong since the pile yarns are on the technical face of the fabric. Therefore, claims 1-6 and 9-13 are anticipated by the cited Hong reference.

5. Claims 1-6 and 8-21 are rejected under 35 USC 102(b) as being anticipated by US 5,413,857 issued to Hagen et al.

Hagen discloses carpet yarn comprising a blend of 51-90% by weight of base fibers, which may be hollow fibers and 10-49% by weight of trilobal fibers (abstract). The fibers may be nylon or polyester (col. 5, lines 36-43).

Application/Control Number: 10/612,284 Page 4

Art Unit: 1771

Thus, Hagen teaches a carpet having pile yarns formed of hollow fibers and yarns formed of multi-lobal fibers. Note applicant's claims do not necessarily exclude the presence of both fibers being in the same yarn. The Hagen carpet has "visually non-distinguishable aesthetic characteristics on the technical face thereof when the carpet is clean" due to all the pile yarns being made from the same yarn blend. Additionally, said hollow fibers and trilobal fibers would be visually distinguishable from one another upon soiling of said carpet due to soil-hiding and soil-prone characteristics that are inherent to the fiber structures. Also note that while one may have to look relatively close to visually distinguish the soiling, applicant's claims do not limit the conditions of the relative phrase "visually distinguishable." Therefore, claims 1-6 and 8-21 are anticipated.

Conclusion

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 8. Information regarding the status of an application may be obtained from the Patent

 Application Information Retrieval (PAIR) system. Status information for published applications

Application/Control Number: 10/612,284 Page 5

Art Unit: 1771

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHERYL A. JUSKA PRIMARY EXAMINER